

Appl. No. : 10/085,169
Filed : February 25, 2002

REMARKS

In response to the Office Action mailed May 6, 2003, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 1-6 remain pending and new Claims 7-12 have been added. Claims 1, 4 and 5 have been amended.

In the changes made by the current amendment, ~~deletions are shown by strikethrough~~, and additions are underlined.

Amended Claims 1-6 Are Not Anticipated By Mottola et al.

Claims 1-6 presently stand rejected under 35 U.S.C. § 102(e) as being anticipated by Mottola et al. Applicants respectfully submit that the claims, as amended, are not anticipated by Mottola et al. Accordingly, Applicants respectfully request reconsideration and withdrawal of the present rejection.

Mottola et al. discloses a catheter having a plurality of exit holes arranged in a double spiral configuration. In addition, Mottola et al. suggests that the exit holes may incrementally increase in size along the infusion length of the catheter. Column 8, lines 3-6.

Amended Claim 1, however, recites a catheter having, among other limitations, a lumen having a cross-sectional flow area and a plurality of exit holes that increase in diameter when moving toward a distal end of the catheter. The plurality of exit holes have a combined cross-sectional flow area that is less than the flow area of the lumen so that the exit holes define a flow restricting orifice of the catheter. Accordingly, Applicants respectfully submit that amended Claim 1 is allowable over the Mottola et al. reference.

Independent Claims 4 and 5 have been amended to include limitations similar to that of amended Claim 1. Furthermore, Claims 2 and 3 depend from allowable Claim 1 and Claim 6 depends from allowable Claim 5. Claims 2, 3 and 6 are allowable, not only because they depend from an allowable claim, but upon their own merit as well.

New Claims Have Been Added

New Claims 7-12 depend from one of Claims 1, 4 and 5. New Claims 7-12 are allowable not only because they depend from an allowable claim, but upon their own merit as well. New Claims 7-12 are fully supported by the application as filed. Accordingly, Applicants respectfully request consideration of new Claims 7-12.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.


The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Curtiss C. Dosier at the number below, to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 
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